

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

ANGELIQUE PATRICK

APPELLANT,

**v.
MONTE OWENS AGENCY, INC., ET AL.**

RESPONDENTS.

DOCKET NUMBER WD72462

DATE: February 22, 2011

Appeal From:

Jackson County Circuit Court
The Honorable Michael W. Manners, Judge

Appellate Judges:

Division Three: Cynthia L. Martin, Presiding Judge, James E. Welsh and Gary D. Witt, Judges

Attorneys:

William W. Lentz, Independence, MO, for appellant.

Kevin D. Case, Kansas City, MO for respondents Monte Owens and The Monte Owens Agency, Inc.; William J. Gotfredson, Kansas City, MO, for respondent Missouri Property Insurance Placement Facility.

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
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ANGELIQUE PATRICK,

APPELLANT,

v.

MONTE OWENS AGENCY, INC., ET AL.,

RESPONDENTS.

No. WD72462

Jackson County

Before Division Three Judges: Cynthia L. Martin, Presiding Judge, James E. Welsh and Gary D. Witt, Judges

Angelique Patrick filed suit against Monte Owens, the Monte Owens Agency, Inc., and the Missouri Property Insurance Placement Facility. After Patrick repeatedly failed to comply with Rule 74.04(c)(2), the trial court granted summary judgment in favor of all of the defendants based on each defendant's unconverted factual contentions being treated as admitted.

On appeal, Patrick maintains that the trial court erred in granting summary judgment because there were genuine issues of material facts as to all defendants.

AFFIRMED.

Division Three holds:

(1) Patrick's Points Relied On seek to reargue facts which were deemed admitted. On appeal Patrick could have argued either that the trial court abused its discretion in deeming the Defendants uncontroverted facts admitted or that the uncontroverted facts do not support entry of judgment as a matter of law. Patrick has failed to raise either argument and has failed to present a cognizable issue for our review, warranting dismissal of her appeal.

(2) Additionally, Patrick's brief materially failed to comply with Rule 84.04. Rule 84.04 sets forth briefing requirements to ensure that appellate courts do not become advocates by speculating on facts and arguments that have not been made. Patrick's failure to comply with Rule 84.04 preserves nothing for appellate review, warranting dismissal of her appeal.

Opinion by: Cynthia L. Martin, Judge

February 22, 2011

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